

SEP 14 2006

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT MACKELLAR STORMS,

Defendant - Appellant.

No. 05-16153

D.C. No. CV-03-00342-DWH

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Nevada
David Warner Hagen, District Judge, Presiding

Submitted September 11, 2006^{**}

Before: PREGERSON, T.G. NELSON and GRABER, Circuit Judges.

Robert MacKellar Storms appeals pro se from the district court's judgment denying his petition for writ of coram nobis. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Storms contends that he is entitled to relief because of fraudulent conduct by the Bureau of Alcohol, Tobacco and Firearms which he could not have discovered until he was released from prison. We conclude that the district court did not err in finding that Storms is not entitled to coram nobis relief. *See Matus-Leva v. United States*, 287 F.3d 758, 760 (9th Cir. 2002).

AFFIRMED.